

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KRISTYNE KORDES,	)	CASE NO.:
4471 Kirk Rd.	)	
Columbiana OH 44408	)	JUDGE:
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
J.A. CAMBECE LAW OFFICES, P.C.,	)	
Eight Bourbon St.	)	
Peabody MA 01960	)	
	)	
and	)	
	)	
PENTAGROUP FINANCIAL, LLC	)	
5959 Corporate Dr. STE 1400	)	
Houston TX 77036	)	
	)	
and	)	
	)	
CACH, LLC,	)	
370 Seventeenth Ste. 5000	)	
Denver CO 80202	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendant Pentagroup Financial LLC (“Pentagroup”) hereby gives notice of the removal of the civil action entitled Kristyne Kordes v. J.A. Cambece Law Offices, P.C., et al., Docket No. 2007 CV 00096, in the Court of Common Pleas, Columbiana County, Ohio (the “State Court Action”), to this Court. As further grounds for removal, Pentagroup states:

### **Timely Removal**

1. Plaintiff filed her Complaint in the Court of Common Pleas, Columbiana County, Ohio on or about January 31, 2007. Pentagroup was served with process on or about February 9, 2007. Copies of the Summons, Verified Complaint, Instructions for Service, and Verification of Complaint and Certification served upon Pentagroup are attached collectively as Exhibit A.

2. As of March 8, 2007, no other pleadings were filed or served in the State Court Action.

3. This Notice of Removal is timely under the provisions of 28 U.S.C. §§ 1441(a) and 1446(b), and Murphy Bros. Inc. v. Michetti Pipe Stringing Inc., 526 U.S. 344 (1999), as 30 days has not expired from the date Pentagroup received service of process.

4. The State Court Action is not a non-removable action as described in 28 U.S.C. § 1445.

### **Jurisdiction**

5. This action is removable from the Court of Common Pleas, Columbiana County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division, pursuant to 28 U.S.C. § 1441(a). 28 U.S.C. § 1441(a) provides:

Except as otherwise expressly provided by act of Congress, any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

6. The Complaint states claims under the “Fair Debt Collection Practices Act,” 15 U.S.C. § 1692 *et seq.* Because the “Fair Debt Collections Practices Act” is a federal statute, 28 U.S.C. § 1331 affords this Court federal question jurisdiction over these claims. Thus, this Court has original jurisdiction over these claims and removal is appropriate under 28 U.S.C. § 1441(a).

7. Under 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over the remaining state law claims set forth in the Complaint because these state law claims arise out of the same occurrence or transaction. Therefore removal is appropriate under 28 U.S.C. § 1441(a) as to all of the claims set forth in the Complaint.

8. This Notice of Removal is filed subject to and with full reservation of rights. No admission of fact, law or liability is intended by this Notice of Removal, and all defenses, motions and pleas are expressly reserved.

### **Consent**

9. The other defendants, J.A. Cambece Law Offices PC and CACH, LLC, consent to removal. The other defendants' Consent to Removal are also being submitted to this Court and are attached hereto as Exhibit B.

### **Notice**

10. Promptly after filing this Notice of Removal, Pentagroup will give written notice thereof to Plaintiff and will file a copy of this Notice of Removal with the Clerk of the Court of Common Pleas, Columbiana County, Ohio. A copy of the Notice of Filing of Notice of Removal is attached as Exhibit C. A time-stamped copy of said Notice of Filing of Notice of Removal will be submitted to the Court.

WHEREFORE, Pentagroup respectfully requests that the above action now pending against it in the Court of Common Pleas, Columbiana County, Ohio be removed to this Court. Pentagroup further requests that the Court accept jurisdiction of the removable claims alleged in this action, that this action be placed upon the docket of this Court for further proceedings the same as though this action originally had been instituted in this Court, and that this Court make such other and further orders as are just and equitable.

Respectfully Submitted,

/s/ Carrie M. Dunn

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*Attorneys for Defendant*

*Pentagroup Financial, LLC*

**CERTIFICATE OF SERVICE**

A copy of the foregoing *Notice of Removal* was served via regular U.S. mail, postage prepaid, this 8th day of March, 2007, upon the following:

Ralph A. Zuzolo Jr.  
700 Youngstown Warren Road  
Niles, Ohio 44446

*Attorney for Plaintiff*

Donald A. Mausar  
Weltman, Weinberg & Reis, Co., L.P.A.  
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323 Lakeside Avenue, West  
Cleveland, Ohio 44113

*Attorneys for Defendant CACH, LLC and J.A. Cambece Law Offices, P.C.*

/s/ Carrie M. Dunn  
*One of the Attorneys for Defendant  
Pentagroup Financial, LLC*